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VIA ECF

Honorable Kevin McNulty, U.S.D.J.
United States District Court
U.S. Post Office & Courthouse Building
Federal Square, Courtroom 8
Newark, NJ 07101

Re: *Aleynikov v. The Goldman Sachs Group, Inc.*
Case No. 12 Civ. 5994 (KM-MAH)

Dear Judge McNulty:

At the conclusion of yesterday's oral argument, your Honor indicated that you intend to write an opinion resolving the parties' cross-motions for summary judgment. The urgency presented by the criminal proceedings against Mr. Aleynikov in New York state court makes an expeditious ruling on those cross-motions and our pending motion to dismiss GS Group's Counterclaims — and, if necessary, an expedited appeal of those rulings to the Third Circuit — absolutely critical. “[T]here is a strong public interest [in Delaware and elsewhere] in the timely resolution of any disputes concerning advancement of defense costs,” *United States v. Stein*, 452 F. Supp.2d 230, 255 (S.D.N.Y. 2006), and “[t]he substantive policies that control the nature and scope of the issues that are pertinent in an advancement proceeding ... must be given effect in federal courts.” *Id.* at 273. Accordingly, we most respectfully urge your Honor to issue your ruling on the pending cross-motions and motion forthwith.

Thank you for your kind consideration of this request.

Respectfully yours,



Kevin H. Marino

cc: A. Ross Pearlson, Esq. (via email)
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